

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division**

STACEY DeGRAW, AS MOTHER AND
NEXT FRIEND OF ELIZABETH
STACEY CZAPLICKI, A MINOR

Plaintiff

v.

LEONARD E. MOODISPAW, TRUSTEE
OF THE EDWARD JOSEPH CZAPLICKI
IRREVOCABLE INSURANCE TRUST

Defendant

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Civil No. WDQ-02-CV-2862
(Magistrate Judge Bredar)

**CONSENT ORDER FOR
PARTIAL SETTLEMENT AND PARTIAL DISTRIBUTION OF FUNDS
WITHOUT PREJUDICE**

Plaintiff, Stacey DeGraw, as mother, guardian and next friend of Elizabeth Stacey Czaplicki, a minor, by her attorney, James B. Larrimore, Esq., and Defendant, Leonoard E. Moodispaw, Trustee of the Edward Joseph Czaplicki Irrevocable Insurance Trust, by his attorneys, Peter H. Gunst, Esq. and Christopher J. Marchand, Esq., consent to the following Order for Partial Settlement and Partial Distribution of Funds Without Prejudice, as follows:

WHEREAS, this Declaratory Judgment and Interpleader action was filed by Metropolitan Life Insurance Company to determine the lawful beneficiary of the life insurance policy issued by MetLife on the life of Edward Joseph Czaplicki, now deceased, pursuant to the Federal Employees Group Life Insurance Act, 5 U.S.C. §§ 8701, *et seq.*; and

WHEREAS, there is no dispute that the policy proceeds were intended, if not required, to be used for the support, maintenance and education of Elizabeth Stacey Czaplicki, a minor, who resides with her mother, Stacey DeGraw; and

WHEREAS, the policy proceeds have been and remain deposited with the Clerk of the Court, pending a final determination of the conflicting claims of the parties thereto; and

WHEREAS, the parties have agreed that a partial distribution of the funds should be made to partially reimburse Plaintiff for the estimated costs and expenses incurred by her for the support, maintenance and education of Elizabeth Stacey Czaplicki since the death of the insured and projected through June, 2003.

It is, therefore, upon the consent of the parties hereto, by their respective counsel affixed hereto,

ORDERED, That the Clerk of the Court, from the funds deposited in this matter, shall disburse unto Stacey DeGraw the sum of Six Thousand Two Hundred Twenty-eight Dollars (\$6,228.00), to be mailed or otherwise personally delivered to her attorney, James B. Larrimore; and it is further

ORDERED, That this Consent Order and such payment shall be without prejudice to the rights, claims or defenses of either party hereto now pending before this Court.

Dated: _____

William D. Quarles
United States District Judge

CONSENTED TO:

/s/

James B. Larrimore, Esq.
Fed. Bar No. 05731
SERIO & HIGDON, P.A.
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Attorney for Plaintiff,
Stacey DeGraw, as mother and next friend of
Elizabeth Stacey Czaplicki, a minor

/s/

Christopher J. Marchand, Esq.
(signed by James B. Larrimore with
permission of Christopher J. Marchand)

Fed. Bar No.
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Attorney for Defendant, Leonard E. Moodispaw,
Trustee of the Edward Joseph Czaplicki Irrevocable Insurance Trust